

ORDINANCE NO. 1233

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BREA ADOPTING BY REFERENCE AND AMENDING THE 2022 CALIFORNIA FIRE CODE AND PORTIONS OF THE 2021 INTERNATIONAL FIRE CODE, AS THE CITY OF BREA FIRE CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS AND EXCEPTIONS, AND AMENDING TITLE 16 (FIRE SAFETY) OF THE BREA CITY CODE.

A. Recitals.

(i) Government Code Section 50020, et seq., authorizes the adoption, by reference, of the 2022 California Fire Code.

(ii) At least one (1) copy of the Code adopted herein by reference, certified as a full, true and correct copy thereof by the City Clerk of the City of Brea, has been filed in the office of the City Clerk in accordance with the provisions of California Government Code Section 50022.6.

(iii) A duly noticed public hearing, as required by California Government Code Section 50022.3, has been conducted and was concluded prior to the adoption of this Ordinance.

(iv) All legal prerequisites to the adoption of this Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Brea does hereby find, determine and ordain as follows:

Section 1. In all respects, as set forth in the Recitals, Part A, of this Ordinance.

Section 2. Chapter 16.04 of Title 16 of the Brea City Code is hereby repealed; provided, however that said repeal shall not apply to or excuse any violation thereof occurring prior to the effective date of this Ordinance and provided further that the 2019 California Fire Code, as adopted by reference by the City of Brea, shall continue to be applicable to construction wherein plans have been submitted for plan check prior to the effective date of this Ordinance, so long as the initial permit therefore is issued no later than ninety (90) days after such effective date.

Section 3. A new Chapter 16.04 hereby is added to Title 16 of the Brea City Code to read as follows:

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“CHAPTER 16.04: BRE A FIRE CODE

Sections

- 16.04.010 Fire Code adopted
- 16.04.020 Enforcement and inspections
- 16.04.030 Chapter 1 Scope and Administration amendments
- 16.04.040 Chapter 2 Definitions amendments
- 16.04.050 Chapter 3 General Requirements amendments
- 16.04.060 Chapter 5 Fire Service Features amendments
- 16.04.070 Chapter 9 Fire Protection Systems amendments
- 16.04.080 Chapter 11 Construction Requirements For Existing Buildings amendments
- 16.04.090 Chapter 49 Requirements for Wildland-Urban Interface Fire Areas amendments
- 16.04.100 Chapter 56 Explosives and Fireworks amendments
- 16.04.110 Chapter 57 Flammable and Combustible Liquids amendments
- 16.04.120 Appendix B Fire-flow Requirements for Buildings amendments
- 16.04.130 Chapter 80 Referenced Standards amendments
- 16.04.140 Fees

§16.04.010 FIRE CODE ADOPTED.

The 2022 Edition of the California Fire Code including Appendices Chapter 4, B, BB, C, CC, D, N and O, and excluding Appendices A, E, F, G, H, I, J, K, L, M, and P, together with the following amendments, additions, deletions and exceptions, are hereby adopted by reference as the Fire Prevention Code of the City of Brea.

§16.04.020 ENFORCEMENT AND INSPECTIONS.

The California Fire Code, with amendments, shall be enforced by the Brea Fire Department. The Fire Chief of the Brea Fire Department may detail such members of the fire department as inspectors as shall be necessary from time to time.

§16.04.030 CHAPTER 1 SCOPE AND ADMINISTRATION AMENDMENTS.

SECTION 101.1 Title is hereby amended as follows:

Section 101.1 Title. This Code shall be known as the Brea Fire Code, hereinafter referred to as ‘this Code.’

SECTION 102.10 Conflicting provisions is hereby amended as follows:

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Section 102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the fire code official shall decide which requirement meets the general intent of this Code.

Section 105.5.17 Fire hydrants and valves is hereby deleted in its entirety.

SECTION 105.5.54 Additional permits is hereby amended by adding the following:

Cut Christmas trees. No person shall sell, display or store for resale, in the City of Brea, any cut Christmas tree, unless a permit therefore has been issued by the Chief.

Methane mitigation systems. A construction permit is required for the installation or modification of a methane mitigation system. Maintenance performed in accordance with the current City of Brea Combustible Soil-Gas Guideline is not considered to be a modification and does not require a construction permit.

Potentially hazardous general use. To conduct an activity or operation that is not specifically addressed by other permits, but which is likely to produce conditions hazardous to life or property.

Residential based care facilities. Including, but not limited to, care for the elderly, care for the developmentally disabled, and half-way homes shall be regulated under this section and a permit issued by the Fire Department to each business engaging in these operations.

SECTION 105.6.4 Emergency responder communication coverage system is hereby amended by adding the following:

Plans must be submitted for installation or modification of two-way emergency responder communication coverage systems and related equipment in any structure.

SECTION 105.6.25 Miscellaneous plan check is hereby added as follows:

Miscellaneous Plan Check. Request or submittal of any type of plan or necessary review of documents pertaining to operations that are covered by the Fire Department or this Code, but are not specifically listed in Chapter 1.

SECTION 107.4 Work commencing before permit issuance is hereby amended as follows:

107.4 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits shall be subject to an additional fee that is equal to the original permit fee, which shall be in addition to the required permit fees.

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SECTION 108.5 Occupant count is hereby added as follows:

108.5 Occupant count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area. If the Chief determines at any time that an accurate count of occupants is not being maintained, the occupancy shall be cleared until an accurate count can be made.

SECTION 111.1 Board of appeals established is hereby amended to read as follows:

111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be a certified Building Official and a qualified person trained in fire protection engineering, fire science or fire technology.

SECTION 112.4 Violation penalties is hereby amended to read as follows:

112.4 Violation penalties. Persons who shall violate any provision of this Code or shall fail to comply with any of its requirements, or who shall erect, install, alter, repair or do work in violation of the approved construction documents used under provisions of this Code, shall be guilty of a misdemeanor unless such violation is expressly made punishable as an infraction. Alternatively or in addition, any violation of this Code may be punished by administrative penalty and issuance of an administrative citation.

SECTION 113.4 Failure to comply is hereby amended as follows:

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

§16.04.040 CHAPTER 2 DEFINITIONS AMENDMENTS

SECTION 202 GENERAL DEFINITIONS is hereby amended by adding the following definitions:

FLOW-LINE. The lowest continuous elevation on a rolled curb defined by the path traced by a particle in a moving body of water at the bottom of the rolled curb.

HAZARDOUS FIRE AREA. All areas identified within Section 4906.2 and other areas as determined by the fire code official due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

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JURISDICTIONAL AREA. Any area under the jurisdiction, including the territorial area, of the City of Brea, including all areas annexed thereto after adoption of this Code.

VEHICLE FUELING APPLIANCE. A listed natural gas compressor package not containing storage, designed for the unattended dispensing of natural gas into the fuel tanks of motor vehicles.

§16.04.050 CHAPTER 3 GENERAL REQUIREMENTS AMENDMENTS.

SECTION 304.1.2(b)(7)(E) is hereby added as follows:

- (E) 'Brea Very High Fire Hazard Severity Zone Requirements – Technical Design for New Construction Fuel Modification Plans and Maintenance Program'

SECTION 304.1.2(b)(7)(F) is hereby added as follows:

- (F) 'Brush Clearance on all Existing Properties located within the Protection Area'

SECTION 307.6 Outdoor fires in the fuel modification areas is hereby added as follows:

307.6 Outdoor fires in the fuel modification areas. Outdoor, open or recreational fires using wood or other solid fuel shall not be built, ignited or maintained in the fuel modification area.

Exceptions:

1. Occupied one and two-family dwellings where such fires are built in a permanent or portable barbeque, gas outdoor fireplace, or gas grill and are a minimum of 15 feet (4572mm) from the dwelling, structures, decks and 30 feet (9144mm) from a grass, grain, brush, or forest-covered area. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.
2. Fires at official organized campsites or parks when located in permanent or portable barbeques or grill, incinerator, or outdoor fireplace (all equipped with some type of spark arrester) located at least 30 feet (9144mm) from combustible vegetation.

SECTION 307.6.1 Outdoor fires is hereby added as follows:

307.6.1 Outdoor fires. Outdoor, open burning and recreational fires shall not be built, ignited or maintained when the following conditions exist:

1. Predicated sustained winds exceed 8 MPH at the ground level, or a red flag condition has been declared.
2. A person age 18 or over is not present at all times to watch and tend such fire.
3. A public announcement is made that open burning is prohibited.
4. A viable water source or approved means of extinguishment is not immediately available.

Exceptions:

1. Occupied one and two-family dwellings where such fires are built in a permanent or portable barbeque, outdoor fireplace, or grill and are a minimum of 15 feet (4572mm) from any combustible material or structure. Permanent barbeques, portable barbeques, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.
2. Fires at official organized campsites or parks when located in permanent or portable barbeques or grill, incinerator, or outdoor fireplace (all equipped with some type of spark arrester) located at least 30 feet (9144mm) 10 from combustible vegetation.

Section 308.1.4 Open-flame cooking devices is deleted in its entirety.

SECTION 324 CHRISTMAS TREE SALES is hereby added as follows:

SECTION 324

CHRISTMAS TREE SALES

324.1 General.

No person shall sell, display for sale, or store for sale in the City of Brea, any cut Christmas tree, unless a permit therefor has been obtained from the Fire Department. Applicants must comply with all rules and regulations and obtain all required permits and licenses including a City business license.

324.1.1 Permit – When issued.

Permits to sell, display for sale, or store for sale cut Christmas trees in the City of Brea may only be issued for the period from November 5th to December 31st. The applicant must show that the proposed location and method of activity will not constitute a fire hazard or violation of law.

324.1.2 Cleanup deposit.

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Each applicant, if other than a permanent established year-round business, shall pay a cleanup deposit in such amount as established by Resolution to the City Council. The applicant must agree that not later than the tenth day of January following the issuance of such permit, all unsold trees, combustible waste and accumulation of sawdust will be removed from the permitted location and disposed of properly. Following the tenth day of January the City may remove and dispose of accumulations and apply the deposit to costs, including overhead expenses (30%), incurred by such removal.

324.1.3 Return of deposit.

The Fire Marshal or designated person(s) will inspect permitted sites as soon as possible after January 10th of each year. Permittees who have completed the site cleanup will receive a refund of the cleanup guarantee deposit.

324.1.4 Liability.

Each permittee shall provide general liability insurance as required by the City of Brea Risk Manager, protecting against any claim for damages caused in any manner from the use of such lot or the keeping or sale of any Christmas trees therein or otherwise in the exercise of rights granted by such permit issued pursuant to this Section. A certificate of such insurance shall be filed with the Fire Marshal showing the City as a named additional insured hereunder.

SECTION 325 PROJECTILE FIRING is hereby added as follows:

SECTION 325

PROJECTILE FIRING

No person shall, in any brush or grass-covered area or area covered with flammable material, possess or fire or cause to be fired any tracer bullets, tracer charge, flammable propellant model rockets or any type of projectile that discharged smoldering or flammable material. Nothing in this section shall apply to any law enforcement officer acting in the course of such officer's duties other than target practice.

SECTION 326 DEVELOPMENT ON OR NEAR LAND CONTAINING OR EMITTING TOXIC, COMBUSTIBLE OR FLAMMABLE GASSES OR VAPORS is hereby added as follows:

SECTION 326

DEVELOPMENT ON OR NEAR LAND CONTAINING OR EMITTING TOXIC, COMBUSTIBLE OR FLAMMABLE GASSES OR VAPORS

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Section 326.1 All projects with sources of methane soil gas are subject to methane soil gas testing, passive or active mitigation, and methane detection and alarm systems. Projects shall be required to conform to the current adopted 'Brea Fire Department Combustible Soil-Gas Guideline'.

Section 326.2 Additions or modifications to a lot or existing building in any identified methane area that expands the original footprint, shall be required to add methane mitigation requirements per the current adopted 'Brea Fire Department Combustible Soil-Gas Guideline'.

SECTION 327 FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION is hereby added as follows:

SECTION 327

FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION.

All new buildings and additions to be built or installed in areas containing combustible vegetation shall comply with the following:

1. The fuel modification plans shall meet the criteria set forth in the 'Brea Very High Fire Hazard Severity Zone Requirements – Technical Design for New Construction Fuel Modification Plans and Maintenance Program'
2. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map(s).
3. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval by the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

SECTION 328 CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM ROADWAYS is hereby added as follows:

SECTION 328

CLEARANCE OF BRUSH OR VEGETATION GROWTH FROM ROADWAYS

The fire code official is authorized to require areas within 10 feet (3048mm) or greater, if a higher fire hazard is present, on each side of portions of highways, roads, and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible

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growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

SECTION 329 USE OF EQUIPMENT is hereby added as follows:

SECTION 329

USE OF EQUIPMENT

Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester, as specified in Section 329.1, maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition.

SECTION 329.1 Spark arrestors is hereby added as follows:

329.1 Spark arrestors. Spark arrestors shall comply with the following:

1. The device shall be constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.
2. Spark arrestors affixed to the exhaust system of engines or vehicles shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

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SECTION 330 RESTRICTED ENTRY is hereby added as follows:

SECTION 330

RESTRICTED ENTRY

The fire code official shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry.

Exceptions:

1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or on their own land.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

§16.04.060 CHAPTER 5 FIRE SERVICE FEATURES AMENDMENTS.

SECTION 503 FIRE APPARATUS ACCESS ROADS

SECTION 503.1 Where required is hereby amended as follows

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D, as amended.

SECTION 503.2.1 Dimensions is hereby amended as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115mm). Fire apparatus access roads in the Fire Hazard Severity Zones shall have an unobstructed width of 24 feet (2 unobstructed 12 feet travel lanes).

SECTION 503.2.3 Surface is hereby amended as follows:

503.2.3 Surface. Fire apparatus access roads shall be designed, and maintained to support the imposed loads of fire apparatus (75,000 lbs. load/25,000 point load) and shall be surfaced so as to provide all-weather driving capabilities. Alternative

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driving surfaces shall be designed by a registered civil engineer and shall be subject to approval by the Brea Fire Department.

SECTION 503.2.4 Turning radius is hereby amended as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the fire code official. Width of 20 feet fire access road turns and corners shall be designed with a minimum inner radius of 17 feet and an outer radius of 38 feet.

Width of 24 feet fire access road turns and corners shall be designed with a minimum inner radius of 17 feet and an outer radius of 45 feet.

Radius must be concentric.

SECTION 503.7 Apparatus access to fire hazard severity zones is hereby added as follows:

503.7 Apparatus access to fire hazard severity zones. A minimum of two separate public access and exit roads are required in developments within a Fire Hazard Severity Zone or as approved by the fire code official.

SECTION 505.1 Address identification is hereby amended as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch for single-family residences.

All multi-family, multi-retail and multi-commercial occupancies shall have a minimum of 6 inch high numbers, with a minimum one-and-one-half inch (1 ½") stroke.

All light and heavy industrial occupancies shall have a minimum of ten (10) inch high numbers, with a minimum one-and-one-half inch (1 ½") stroke. All complexes that are three (3) stories or greater in height and/or have two (2) or more building units shall have a minimum of ten (10) inch high numbers, with a one-and-one-half inch (1 ½") stroke.

All multi-family, multi-retail and multi-industrial occupancies shall identify individual units with numbers a minimum of six (6) inches, affixed to the unit front door entrance or frame. All buildings with a rear door access shall identify that unit with the proper numbers affixed to the door or frame.

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All buildings with two (2) or more units shall identify utility meters according to the unit being serviced.

SECTION 506.1 Where required is hereby amended as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for emergency or non-emergency purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

SECTION 507.5.7 Private hydrants is hereby added as follows:

507.5.7 Private hydrants. Private hydrants shall be painted OSHA safety red.

SECTION 510.1 Emergency responder radio communication coverage in new buildings is hereby amended as follows:

510.1 Emergency responder radio communication coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon existing coverage levels of the public safety communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The emergency responder radio communication coverage shall comply with the Brea Fire Department guidance document:

Information for Digital Antenna System (DAS)/Bi-Directional Amplification (BDA) Systems

Exceptions:

1. Where it is determined by the fire code official that the radio system is not needed.
2. In facilities where emergency responder radio communication coverage is required and such systems, components or equipment could have a negative impact on normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio communication coverage system.

Sections 510.4 and 510.5 are deleted.

§16.04.070 CHAPTER 9 FIRE PROTECTION SYSTEMS AMENDMENTS.

SECTION 903.2 Where required is hereby amended as follows:

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903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided in the following locations:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area, as defined in Section 202, exceeds 5,000 square feet (465 m²), or more than two stories in height, regardless of fire areas or allowable area.
2. **New buildings in the VHFHSZ:** An automatic sprinkler system shall be provided in all new structures in the VHFHSZ.
3. **Existing buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:
 - a. When the addition is 50% or more of the existing building area and the resulting building area, as defined in Section 202, exceeds 5000 square feet (465 m²); or
 - b. When the addition exceeds 2000 square feet (185.81 m²) and the resulting building area, as defined in Section 202, exceeds 5000 square feet (465 m²); or
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Group R-3 occupancies. Group R-3 occupancies shall comply with Section 903.2.8.

SECTION 903.2.8 Group R is hereby amended as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exist:

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- a. When an addition is 50% or more of the existing building area, as defined in Section 202, or greater than 1000 square feet (92.903 m²) within a two year period; or
 - b. An addition when the existing building is already provided with automatic sprinklers; or.
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
3. **Existing buildings in the Very High Fire Hazard Severity Zone:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
- a. When an addition is 33% or more of the existing building area, as defined in Section 202, or greater than 1000 square feet (92.903 m²) within a two year period; or
 - b. An addition when the existing building is already provided with automatic sprinklers; or
 - c. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

§16.04.080 CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS AMENDMENTS.

Adopt only those sections and subsections below:

1101.1, 1101.3, 1103.2, 1103.3-1103.3.3, 1103.7, 1103.7.3.1, 1103.7.8-1103.7.8.2, 1103.7.9-1103.7.9.10, 1103.8-1103.8.5.3, 1103.9-1103.9.1, 1107, 1113, 1114, 1115, and 1116

SECTION 1103.2 Emergency responder radio communication coverage in existing buildings is hereby amended as follows:

1103.2 Emergency responder radio communication coverage in existing buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building, based upon the existing coverage

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levels of the public safety communications systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1.
2. Within a time frame established by the adopting authority.
3. The emergency responder radio communication coverage shall comply with the following Brea Fire Department guidance document:

'Information for Digital Antenna Systems (DAS)/Bi-Directional Amplification (BDA) Systems'

§16.04.090 CHAPTER 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS AMENDMENTS.

SECTION 4911 FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION is hereby added as follows:

SECTION 4911 FUEL MODIFICATION REQUIREMENTS FOR NEW CONSTRUCTION

4911.1 General. All new buildings or additions to be built or installed in areas containing combustible vegetation shall comply with the criteria set forth in the 'Brea Very High Fire Hazard Severity Zone Requirements – Technical Design for New Construction Fuel Modification Plans and Maintenance Program'

SECTION 4911.2 Homeowners Associations is hereby added as follows:

4911.2 Homeowners Associations. Where the Fuel Modification Zone is to be maintained by a homeowners' association the following apply:

1. The conditions, covenants and restrictions recorded against all property within the homeowners' association shall require specifically budgeted funds sufficient to meet the ongoing maintenance obligations of the applicable fuel modification requirements.
2. The Fuel Modification Zone shall be subject to an annual inspection conducted by a representative of the Fire Department in order to assure that the Fuel Modification Zone continues to be maintained in compliance with the applicable fuel modification requirements.
3. Any occupied structure on any lot which adjoins a Fire Hazard Severity Zone shall be constructed in compliance with all requirements of the City's Building Code or Fire Code (as amended).

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§16.04.100 CHAPTER 56 EXPLOSIVES AND FIREWORKS AMENDMENTS.

SECTION 5609 is hereby added as follows:

**SECTION 5609
ADDITIONAL FIREWORKS REGULATIONS**

5609.1 Retail fireworks. The sale, use and display of fireworks 1.4G (commonly referred to as Safe & Sane), and the storage, use, sale, possession and handling of fireworks 1.3G is prohibited.

Exception – Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator as part of a permitted public display.

5609.2 Seizure of fireworks. The fire code official shall have the authority to seize, take, and remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of the Code and Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

5609.3 Firing. All fireworks displays must be electrically fired.

§16.04.110 CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS AMENDMENTS.

SECTION 5707 ON-DEMAND MOBILE FUELING OPERATIONS is hereby deleted in its entirety.

§16.04.120 APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS AMENDMENTS

TABLE B105.2 of APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS is hereby amended as follows:

**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE-AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)

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Section 903.3.1.1 or Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) but not less than 1500	Duration in Table B105.1(2)
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For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m

§16.04.130 CHAPTER 80 REFERENCED STANDARDS AMENDMENTS

CHAPTER 80 REFERENCED STANDARDS Is adopted in its entirety with the following amendments:

NFPA 13 2022 Edition, Installation of Sprinkler Systems, is hereby amended as follows:

SECTION 16.12.3.3 is hereby amended as follows:

16.12.3.3 Fire department connections (FDC) shall be of an approved type. The FDC shall contain a minimum of two 2 ½” inlets. The location shall be approved and be no more than 50 feet from a public hydrant. The size of piping and the number of inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red. When the fire sprinkler density design requires 500 gpm (including inside hose stream demand) or greater, or a standpipe system is included, four 2 ½” inlets shall be provided.

SECTION 19.2.1.1 is hereby added as follows:

19.2.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction/s in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve “G”. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new occupancy.

NFPA 13R 2022 Edition, Installation of Sprinkler System in Residential Occupancies up to and Including Four Stories in Height, is hereby amended as follows:

SECTION 6.11.2 is hereby amended as follows:

6.11.2 Fire department connections shall consist of at least two 2 ½ inch female couplings.

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NFPA 13D 2022 Edition, Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, is hereby amended as follows:

SECTION 8.3.5.1.1 is hereby added as follows:

8.3.5.1.1 All attics shall be protected with an intermediate temperature quick response sprinkler which shall be located to protect attic penetrations created by the access scuttles or mechanical equipment.

NFPA 14 2019 Edition, Installation of Standpipe and Hose Systems, is hereby amended as follows:

Section 6.4.5.4. is hereby deleted in its entirety and replaced with the following:

6.4.5.4 The location of the FDC shall be approved and be no more than 50 feet from a public hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red.

NFPA 24 2019 Edition, Installation of Private Fire Service Mains and Their Appurtenances, is hereby amended as follows:

Section 5.9.1.2 is hereby amended as follows:

5.9.1.2 The fire department connection shall be of an approved type and contain a minimum of two 2 ½ inch inlets. The location shall be approved and be no more than 50 feet from a public fire hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. The supply pipe shall be painted OSHA safety red.

§16.04.140 FEES.

- A. Fee schedules for any permits, licenses, inspections, plan check or other related work or services provided by the Fire Department in connection with the application of this chapter or the Code adopted hereby ('fire service fee') shall be as established by resolution of the City Council as the same may be amended from time to time.
- B. Unless otherwise provided by this Code, fire service fees established pursuant to paragraph 'A' of this Section are due and payable upon receipt of an invoice therefor from the City. It is a violation of this Section to fail to pay any fire service fee when due. Any fire service fee is delinquent if it remains unpaid thirty (30) days after the date of invoice. Any fire service fee that becomes delinquent shall be subject to the following monetary penalty. Thirty-one (31) days after the date of invoice, a penalty of ten percent (10%) of the fire service fee shall be added,

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and each month thereafter, an additional penalty of ten percent (10%) of the original fire service fee shall be added, up to a maximum penalty amount not to exceed the original invoiced amount.”

Section 4. Penalties. It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or to fail to comply with any of the requirements of this Ordinance or the Code hereby adopted. Unless a violation is deemed therein to be an infraction, any person, firm, partnership, or corporation violating any provision of the Ordinance or the Code hereby adopted or failing to comply with any of their requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Alternatively or in addition to the foregoing, violation of this Ordinance or the Code adopted hereby may be punishable by administrative penalty. Each such person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the provisions of this Ordinance or the Code hereby adopted is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided in this Ordinance.

Section 5. Civil Remedies Available. The violation of any of the provisions of this Ordinance or the Code hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

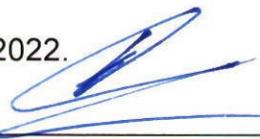
Section 6. Severability. The City Council hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance or the Code hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and works of this Ordinance and the Code hereby adopted shall remain in full force and effect.

Section 7. This Ordinance shall become operative on the later of thirty (30) days after adoption, or January 1, 2023.

Section 8. The City Clerk shall certify to the adoption of this Ordinance.

APPROVED AND ADOPTED this 15 day of November, 2022.

ATTEST: 
Lillian Harris-Neal, City Clerk


Cecilia Hupp, Mayor



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I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Brea, held on the 18 day of October, 2022, and was finally passed at a regular meeting of the City Council of the City of Brea on the 15 day of November, 2022, by the following vote:

AYES: COUNCILMEMBERS: Hupp, Parker, Marick, Simonoff, Vargas
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAINED: COUNCILMEMBERS: None.

Dated: 11/28/2022


Lillian Harris-Neal, City Clerk



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